

Notice of Allowability

Application No.

09/990,028

Examiner

Gregory E. Webb

Applicant(s)

MITRA ET AL.

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to petition 3/7/05
2. ☐ The allowed claim(s) is/are 1,3-11
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

On page 1, line 7, please delete "is a continuation-in-part of" and insert therein -- application claims priority to--

On page 1, line 9, please delete "a continuation-in-part of" and insert therein --claiming priority to--

On page 1, line 10, after the phrase "March 24, 2000", please insert --and claims benefit of Application Serial No. 10/166,333 now abandoned--

REASON FOR EXAMINER'S AMENDMENT

The applicant cannot state an application is a continuation-in-part of a provisional application. Continuations-in-part must claim benefit to a non-provisional application.

Examiner finds support in section 201.08 of the MPEP cited in part as follows:

"An application claiming the benefit of a provisional application under 35 U.S.C. 119(e) should not be called a "continuation-in-part" of the provisional application since an application that claims benefit of a provisional application is a nonprovisional application of a provisional application, not a continuation, division, or continuation-in-part of the

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provisional application."

The remaining amendment updates the status of the parent case.

REASONS FOR ALLOWANCE

1. Claims 1, and 3-11 are allowed.
2. Previous 112 and 102 rejections are withdrawn based on the applicant's amendments to the claims. The applicant has more specifically defined claim 1 so as to avoid the use of preferable embodiments.
3. The following is an examiner's statement of reasons for allowance: The closest prior art was found to be Underwood (US 5,534,184) and Gabriel (US 5,510,047). Also of note are the following references each teaching the use of the alkylphenyl oxide disulfonate: Cable et al (US 6,399,553), Taylor et al (US 6,451,748), Gundlach et al (US 6,274,645), Taylor et al (US 6,204,230), Pedersen et al (US 6,017,872).
4. Each of the cited references above fail to teach or suggest the applicant's specific combination of disulfonate surfactant, nonionic surfactant and a polymer with the specific properties outlined in claim 1 and claim 11.
5. Specifically, Cable and the Taylor references fails to teach the applicant's polymer in combination with the sulfonate and nonionic surfactant.
6. Gundlach and Pedersen fail to teach the combination of sulfonate, nonionic and the volatile buffer.
7. Concerning the Underwood reference, the examiner agrees that Underwood fails to teach the applicant's claimed alkyl phenyl disulfonates. Underwood clearly teaches anionic surfactants

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containing two phenyl functionalities and would therefore be considered an alkyl diphenyl disulfonate. In contrast the applicant's claims are directed to a compound containing a single phenyl group. Concerning the applicant's claim 11, Underwood teaches additional ingredients specifically excluded by the transitional phrase "consisting essentially of." For example, Underwood teaches the use of various non-volatile buffers which are excluded by the instant claims (see col. 7). Such compounds as sodium hydroxide would not be volatile and would increase the filming and streaking of the composition.

8. Gabriel fails to teach the applicant's claimed alkyl phenyl oxide surfactant of claim 1 or the alkyl diphenyl surfactant of claim 11.

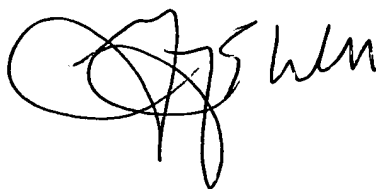
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory E. Webb whose telephone number is 571-272-1325. The examiner can normally be reached on 9:00-17:30 (m-f).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'G. Webb', with a large circular flourish on the left side.

Gregory E. Webb
Primary Examiner
Art Unit 1751

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On page 1, line 10, after the phrase "March 24, 2000", please insert --and claims benefit of Application Serial No. 10/166,333 now abandoned--

REASONS FOR ALLOWANCE

1. Claims 1, and 3-11 are allowed.
2. Previous 112 and 102 rejections are withdrawn based on the applicant's amendments to the claims. The applicant has more specifically defined claim 1 so as to avoid the use of preferable embodiments.
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8. Gabriel fails to teach the applicant's claimed alkyl phenyl oxide surfactant of claim 1 or the alkyl diphenyl surfactant of claim 11.

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Gregory E. Webb
Primary Examiner
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